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Department of Health and Family Services

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BRL FCC Memo-2005-05

To: Family Child Care Centers

From: Jill Chase, Director
Bureau of Regulation and Licensing

RE: Requirements for Written Policies

In order to prevent tragedies like the recent death of a young toddler left in a van and to ensure that children are transported safely, you are now required to develop written policies as outlined in HFS 45.

All family child care centers must develop and implement written policies that address the items below. These policies and procedures must be in place by **September 1, 2005** and submitted to your licensing specialist along with the policy revisions required by the revisions to HFS 45. If you have already submitted the policy revisions to your licensing specialist prior to the receipt of this memo, please submit the required revisions at the next license continuation date. Please ensure that your written policies include the following:

1. a procedure to notify a parent or guardian when children are absent from the family child care center without notification as part of the policy on child and provider absence required under HFS 45.04(2)(e)3.; and
2. if you transport children or contract for transportation services, written procedures in your transportation of children policy under HFS 45.04(2)(e)8., that track children and ensure that the whereabouts of children being transported are documented from the time a child is picked up until that child is relinquished to the responsible caregiver.

You may decide which procedures will work best for your child care center. For example, you may require the driver to use a check-off list documenting the times a child has been picked up and dropped off. You may want to require the driver to review that check-off list with a provider who will confirm that all children are accounted for and that all children have safely exited the vehicle. You may also want to require the driver to include a physical walk through of the vehicle to check all seats or require the use of an alarm system requiring the driver to disable the alarm at the rear of the vehicle. You may implement one or all of these options.

Under Wisconsin's Administrative Code, children may never be left unattended in a vehicle. Children must be properly seated in a car safety seat if they are under 4 years of age or 40 pounds. Children older than 4 years of age or who weigh more than 40 pounds may be restrained in a seat belt, although the current recommendation from the National Highway Traffic Safety Administration (NHTSA) is that all children under age 8 should be in a car safety seat or booster seat to ensure their safety. HFS 45.08 (6)(b) states that children under the age of 13 may not ride in the front seat of a vehicle. All vehicles used to transport children must be inspected at least 1 time each year to ensure its safe operating condition.

The person who will be driving the vehicle must have a caregiver background check and a copy of the person's driving record must be on file at the center. If a driver has had any violations related to transportation, the center should review the circumstances of the violations closely to determine whether the person can safely transport children.

Most family child care centers do not utilize 10+ passenger vans to transport children. But, if these larger vans are used to transport children you must be aware of and follow the safety risk reduction procedures issued by the National Highway Traffic Safety Administration.*

Failure to meet all supervision and transportation rules that protect the health, safety and welfare of children in care may affect your ability to transport children or may result in sanctions and/or penalties up to, and including, revocation of your family child care license.

Please contact your licensing specialist if you have any questions about these requirements. Thank you for your efforts to protect the health, safety and welfare of children in your care.

* Attachment: Use of 10+ Passenger Vans to Transport Children to and from Schools